

Serial No. 10/019,661

Preliminary Amendment and Restriction Response dated November 17, 2003

Reply to Office Action dated July 16, 2003

## REMARKS

Prior to a first Office Action on the merits, Applicants have amended claims 1, 3-4, 7, 9-10, 14, 16, 18-19 and 22. Claims 2, 8, 15 and 17 are canceled. Applicants request that the amendments be made without prejudice to future presentation of the previously pending claims. It is believed that the amendments do not constitute new matter and their entry is requested.

### *Response to Restriction requirement*

The Examiner is of the opinion that the application contains claims to the following inventions not so linked as to form a single general inventive concept under PCT RULE 13.1:

Group I, claims 1-5, 7-13 and 19-21, drawn to nucleic acids encoding a bacterial autoinducer protein, vector cells and methods of use comprising the nucleic acids;

Group II, claims 6 and 14-17, drawn to bacterial autoinducer proteins, compositions comprising said proteins and methods of reducing bacterial damage by topical administration;

Group III, claim 18, drawn to a method for screening bacterial isolates for autoinducer inactivation activity; and

Group IV, claims 22-25, drawn to methods for screening a bacterial cell changed for biological function.

In response to the restriction requirement, applicants respectfully traverse the restriction requirement and elect with traverse the invention of Group I. The claims have been amended or canceled where appropriate to recite nucleic acids encoding SEQ ID NO:1, a protein of SEQ ID NO:2 or a nucleic acid hybridizing under defined conditions to said nucleic acids (Claims 1, 3-5), methods for the isolation and use of said nucleic

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acids (claims 7, 9-13, 19-25), proteins and compositions having SEQ ID NO:2 (claims 6 and 16), methods of use of said proteins and compositions (claim 14) and a method of screening bacterial isolates for the activity of said protein (Claim 18).

The Examiner is of the opinion that the technical feature shared by the groups is “a bacterial autoinducer inactivation protein.” In response, the claims have been amended to recite nucleic acids or proteins as in SEQ ID NO:1, SEQ ID NO:2 or nucleic acids which hybridize under defined conditions to these sequences, along with their use. Thus, the claims as amended share a special technical feature. The invention of Group IV as amended recites the same special technical feature of SEQ ID NO:1, a feature which is shared with the invention of Group I as amended. Similarly, the invention of Group II as amended shares the same special technical feature of SEQ ID NO:2 with the invention of Group III as amended. Furthermore, under the applicable rules, the inventions of Groups I and II share the special technical feature since SEQ ID NO:1 encodes the amino acid of SEQ ID NO:2 and the claims as amended encompass these nucleic acids or nucleic acids which hybridize under defined conditions to said nucleic acids.

Applicants believe that the claims as amended share the special technical feature as described above and elect with traverse the invention of Group I, i.e., nucleic acids encoding SEQ ID NO:2 and related nucleic acids, vectors and cells comprising said

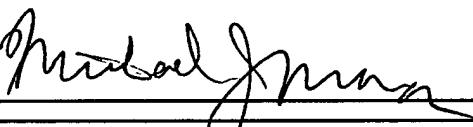
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nucleic acids and vectors and methods for increasing disease resistance in a plant or animal and a method of isolating the nucleic acids.

**RESPECTFULLY SUBMITTED,**

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